

**CASE NUMBER: 15SN0669**  
**APPLICANT: Brian A. Greene**

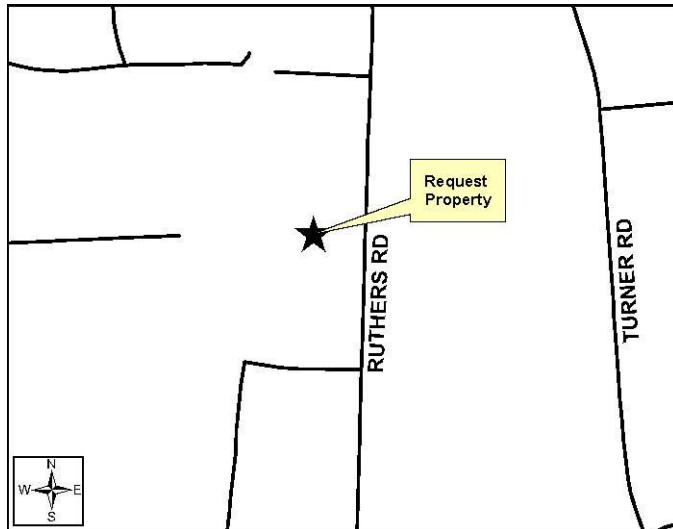


**STAFF'S ANALYSIS  
AND  
RECOMMENDATION**

**Board of Supervisors (BOS)**  
**Public Hearing Date:**  
 SEPTEMBER 16, 2015  
**BOS Time Remaining:**  
 365 DAYS

**Applicant's Contact:**  
 BRIAN A. GREENE  
 (804-426-2037)  
**Planning Department Case Manager:**  
 RYAN RAMSEY (804-768-7592)

**CHESTERFIELD COUNTY, VIRGINIA**  
 Magisterial District: **MIDLOTHIAN**  
 800 Ruthers Road



**APPLICANT'S REQUEST**

Conditional use to permit a contractor's shop and storage yard (tree service business) incidental to a dwelling, in an Agricultural (A) District.

A tree service business with associated equipment is currently operating from the property without the requisite zoning. Approval of this conditional use would bring the use into compliance with the Ordinance.

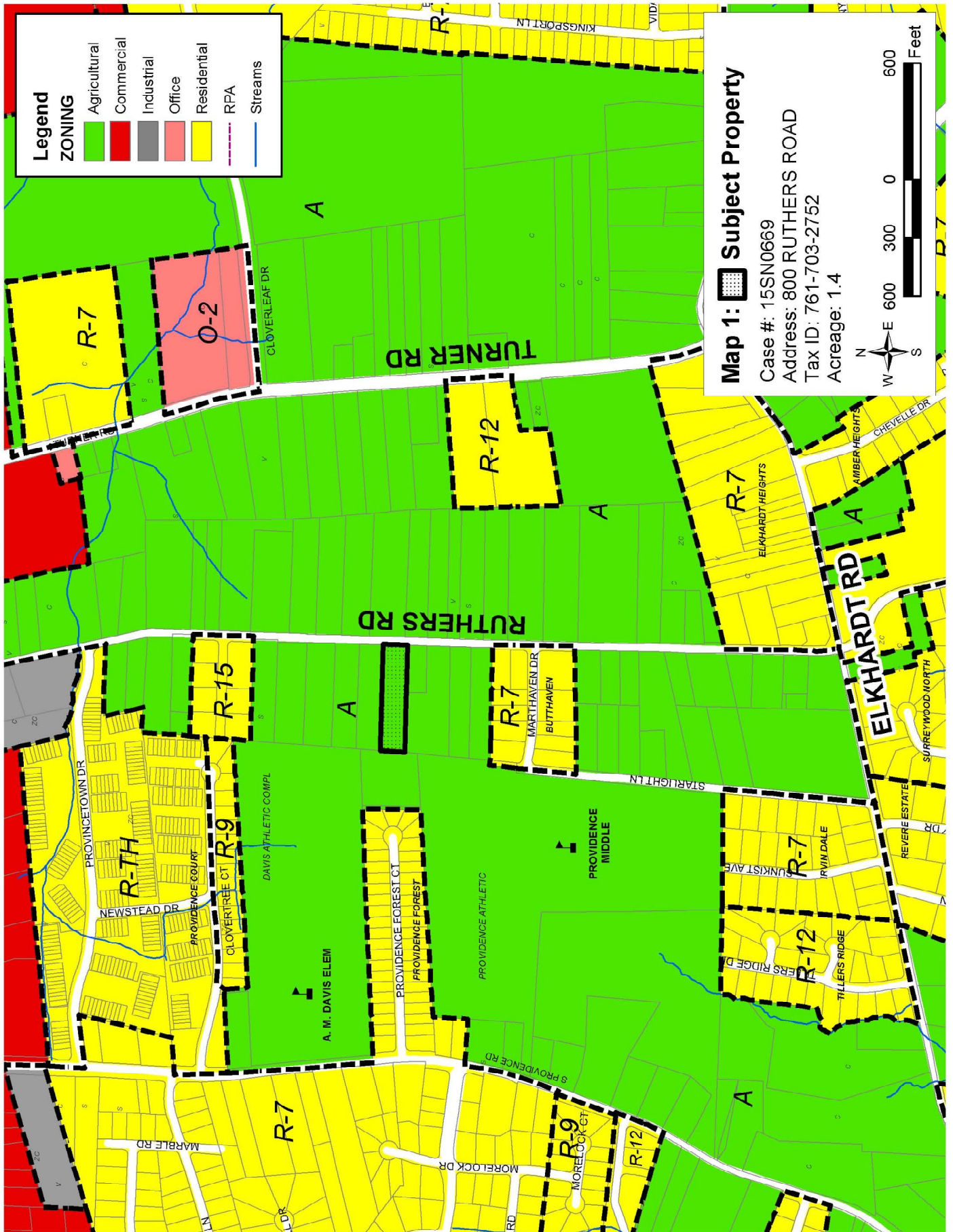
**Notes:**

- A. Conditions may be imposed or the property owner may proffer conditions.
- B. Proffered conditions and an exhibit are located in Attachments 1 and 2.

**RECOMMENDATION**

PLANNING COMMISSION (8/18/2015)	RECOMMEND APPROVAL <ul style="list-style-type: none"> <li>• Conditions will minimize impacts on adjacent properties</li> </ul>
STAFF	RECOMMEND DENIAL <ul style="list-style-type: none"> <li>• Does not comply with <u>Plan</u></li> <li>• Commercial encroachment within a residential neighborhood</li> </ul>

SUMMARY OF IDENTIFIED ISSUES	
Department	Issue
PLANNING	<ul style="list-style-type: none"> <li>• <u>Plan</u> suggests residential uses as appropriate for this area</li> <li>• Use represents commercial encroachment within a residential area</li> </ul>
FIRE	-
CDOT	-
VDOT	-
UTILITIES	-
ENVIRONMENTAL ENGINEERING	-

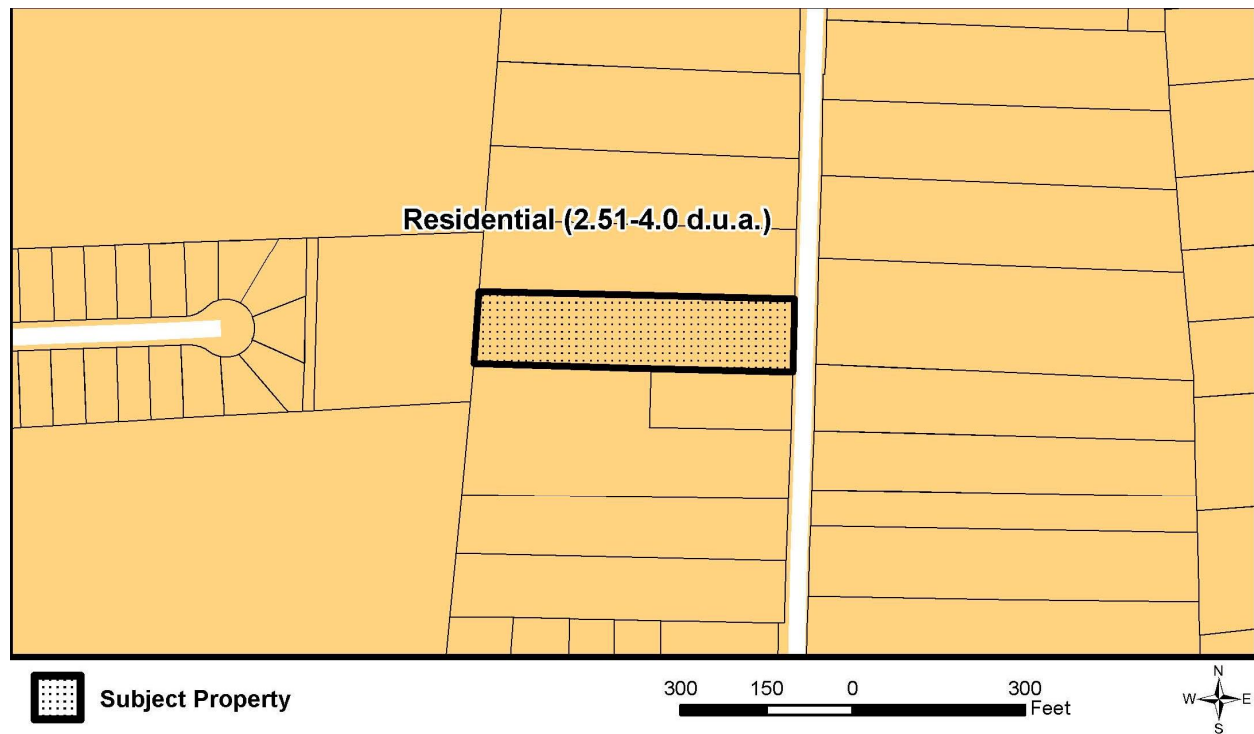




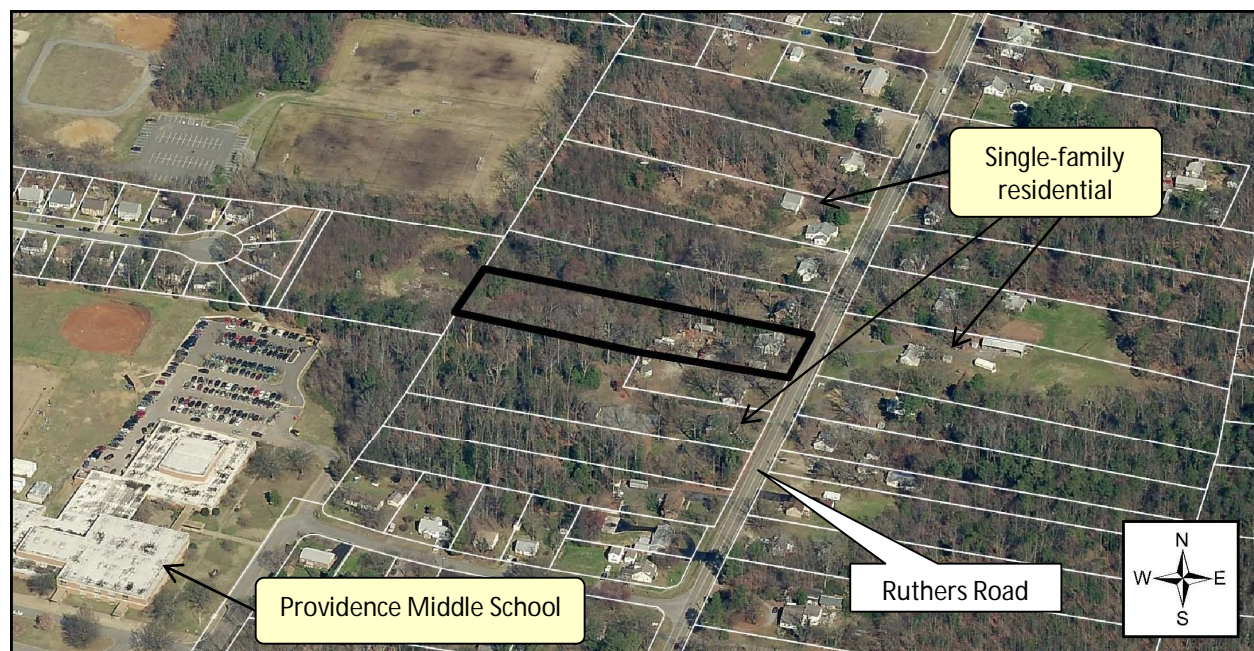
## Map 2: Comprehensive Plan (The Eastern Midlothian Plan)

Classification: **RESIDENTIAL**

The designation suggests the property is appropriate for 2.51 to 4.0 dwellings per acre.



## Map 3: Surrounding Land Uses & Development



## PLANNING

Staff Contact: Ryan Ramsey (804-768-7592) ramseyrp@chesterfield.gov

### PROPOSAL

The applicant, who is a tree service contractor, has been operating a business from this property since 2003 without the required zoning.

In March 2015, the Planning Department received a complaint relative to the operation of a tree service business on the request property. Upon investigation, staff observed several company vehicles, vehicle trailers, and wood chipper equipment. The applicant conveyed to staff that part of the residence and property is used as an office and storage yard for the business. It was determined that a tree service business was being operated incidental to a dwelling, requiring a conditional use.

The following provides an overview of conditions offered by the applicant to minimize the impact of the use on area properties:

General Overview	
Requirements	Details
Ownership	Limited to the applicant only <i>Proffered Condition 1</i>
Use	Limited to a tree service business, incidental to a dwelling <i>Proffered Condition 2</i>
Time Limitation	Limited to 3 years <i>Proffered Condition 3</i>
Equipment/Material Storage	<ul style="list-style-type: none"><li>• One (1) bucket truck</li><li>• One (1) grapple truck</li><li>• One (1) chipper</li><li>• Two (2) trailers</li><li>• Two (2) loaders</li></ul> <i>Proffered Condition 4</i>
Location of Use	Confined to existing dwelling, accessory buildings and the outside storage areas <i>Exhibit A &amp; Proffered Condition 5</i>
Employees and Clients	<ul style="list-style-type: none"><li>• No more than 5 employees</li><li>• No clients</li></ul> <i>Proffered Condition 7</i>
Signage	None permitted <i>Proffered Condition 8</i>
Hours of Operation	<ul style="list-style-type: none"><li>• Monday through Friday from 7:00 a.m. to 5:30 p.m.</li><li>• Saturday from 7:30 a.m. to 1:00 p.m.</li></ul> <i>Proffered Condition 9</i>

## PUBLIC FACILITIES

### FIRE SERVICE

Staff Contact: Anthony Batten (804-717-6167) [BattenA@chesterfield.gov](mailto:BattenA@chesterfield.gov)

### Nearby Fire and Emergency Medical Service (EMS) Facilities

<b>Fire Station</b>	The Buford Fire Station, Company Number 9
<b>EMS Facility</b>	The Forest View Volunteer Rescue Squad

This request will have minimal impact on fire and EMS.

### COUNTY DEPARTMENT OF TRANSPORTATION

Staff Contact: Jim Banks (804-748-1037) [banksj@chesterfield.gov](mailto:banksj@chesterfield.gov)

The Comprehensive Plan, which includes the Thoroughfare Plan, identifies county-wide transportation needs that are expected to mitigate traffic impacts of future growth. The anticipated traffic impact of the proposal has been evaluated and it is anticipated to be minimal.

### VIRGINIA DEPARTMENT OF TRANSPORTATION

Staff Contact: Brian Lokker (804-674-2384) [brian.lokker@vdot.virginia.gov](mailto:brian.lokker@vdot.virginia.gov)

### VDOT Land Use Regulations

Traffic Impact Analysis (24VAC30-155)	-
Access Management (24VAC30-73)	-
Subdivision Street Acceptance (24VAC30-91/92)	-
Land Use Permit (24VAC30-151)	-
Summary	VDOT has no comment on this case.

## **WATER AND WASTEWATER SYSTEMS**

Staff Contact: Jamie Bland (804-751-4439) blandj@chesterfield.gov

The proposal's impacts on the County's utility system are detailed in the chart below:

<b>Water and Wastewater Systems</b>			
	<b>Currently Serviced?</b>	<b>Size of Existing Line</b>	<b>Connection Required by County Code?</b>
<b>Water</b>	Yes	12"	Yes
<b>Wastewater</b>	No	NA	No

### Additional Information:

The proposed request will not impact the public water and wastewater systems.

## **ENVIRONMENTAL**

Drainage, Erosion and Water Quality

Staff Contact: Doug Pritchard (804-748-1028) pritchardd@chesterfield.gov

Environmental Engineering has no comment on this request.

CASE HISTORY	
Applicant Submittals	
6/2/15	Application submitted
8/3/15	Proffers were submitted
8/18/15	Proffer amended at public hearing to reduce time limit to three (3) years
Community Meetings	
7/7/15	<b>Issues Discussed:</b> <ul style="list-style-type: none"> <li>• The District Commissioner, applicant and staff attended this meeting at the LaPrade Library</li> <li>• Neighbors of the applicant attended the meeting and asked questions relative to hours of operation and the equipment/vehicles stored on the property. No opposition was expressed at the community meeting.</li> </ul>
Planning Commission Meeting	
8/18/15	<b>Citizen Comments</b> No citizens spoke to this case.  <b>Commission Discussion</b> The Commission noted their support for this case: <ul style="list-style-type: none"> <li>• Community meeting was conducted</li> <li>• Conditions will minimize impacts on adjacent properties and the applicant agreed to reduce the time limit from five (5) years to three (3) years</li> <li>• Applicant will continue to live on the premises while operating the business</li> </ul> <b>Recommendation – APPROVAL AND ACCEPTANCE OF THE PROFFERED CONDITIONS IN ATTACHMENT 1</b>  <b>Motion:</b> Waller <b>Second:</b> Brown <b>AYES:</b> Gulley, Waller, Brown, Patton and Wallin
The Board of Supervisors on Wednesday, September 16, 2015, beginning at 6:30 p.m., will consider this request.	



<b>PROFFERED CONDITIONS</b>
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Note:

"CPC" – Recommended by the Planning Commission only

- (CPC) 1. Non-Transferable Ownership: This Conditional Use approval shall be granted exclusively to Brian A. Greene, and shall not be transferable with the land. (P)
- (CPC) 2. Use: This Conditional Use approval shall be for the operation of a contractor's office and storage yard (tree service business), incidental to a dwelling. (P)
- (CPC) 3. Time Limitation: This Conditional Use approval shall be granted for a period not to exceed three (3) years from the date of approval. (P)
- (CPC) 4. Equipment Storage: As a part of this business, the following equipment may be stored on the property:
- a. One (1) bucket truck
  - b. One (1) grapple truck
  - c. One (1) chipper
  - d. Two (2) trailer
  - e. Two (2) loaders
- No other equipment or materials may be stored on the property for this use. (P)
- (CPC) 5. Location of Use: The use shall be confined to the existing dwelling, accessory buildings and the storage areas noted on Exhibit A, dated July 29, 2015. (P)
- (CPC) 6. Employees and Clients: No more than five (5) employees shall be permitted to work on the premises. No clients shall be permitted on the property. (P)
- (CPC) 7. Signage: There shall be no signs identifying this use. (P)
- (CPC) 8. Hours of Operation: The contractor's office and storage yard (tree service business), to include the movement of equipment, shall be limited to Monday through Friday from 7:00 a.m. to 5:30 p.m. and Saturday from 7:30 a.m. to 1:00 p.m. There shall be no operation of the use on Sunday. (P)

## EXHIBIT A

